

AMENDMENTS TO LB 83

Introduced by Stuthman, 22.

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 42-924, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 42-924 (1) Any victim of domestic abuse may file a
6 petition and affidavit for a protection order as provided in
7 subsection (2) of this section. Upon the filing of such a petition
8 and affidavit in support thereof, the judge or court may issue a
9 protection order without bond granting the following relief:

10 (a) Enjoining the respondent from imposing any restraint
11 upon the petitioner or upon the liberty of the petitioner;

12 (b) Enjoining the respondent from threatening,
13 assaulting, molesting, attacking, or otherwise disturbing the peace
14 of the petitioner;

15 (c) Enjoining the respondent from telephoning,
16 contacting, or otherwise communicating with the petitioner;

17 (d) Removing and excluding the respondent from the
18 residence of the petitioner, regardless of the ownership of the
19 residence;

20 (e) Ordering the respondent to stay away from any place
21 specified by the court;

22 (f) Awarding the petitioner temporary custody of any
23 minor children not to exceed ninety days; ~~or~~

1 (g) Directing the care, custody, or control of any
2 household pet owned, possessed, leased, kept, or held by either
3 party or a minor child residing in the household;

4 (h) Enjoining the respondent from harming or killing,
5 without justification, any household pet owned, possessed, leased,
6 kept, or held by the petitioner or a minor child residing in the
7 household; or

8 ~~(g)~~ (i) Ordering such other relief deemed necessary to
9 provide for the safety and welfare of the petitioner and any
10 designated family or household member or any household pet that is
11 owned, possessed, leased, kept, or held by the petitioner or any
12 such family or household member.

13 (2) Petitions for protection orders shall be filed with
14 the clerk of the district court, and the proceeding may be heard
15 by the county court or the district court as provided in section
16 25-2740.

17 (3) A petition filed pursuant to subsection (1) of this
18 section may not be withdrawn except upon order of the court. An
19 order issued pursuant to subsection (1) of this section shall
20 specify that it is effective for a period of one year and, if
21 the order grants temporary custody, the number of days of custody
22 granted to the petitioner unless otherwise modified by the court.
23 Any person who knowingly violates an order issued pursuant to
24 subsection (1) of this section or section 42-931 after service
25 shall be guilty of a Class II misdemeanor, except that (a) any
26 person convicted of violating such order who has a prior conviction
27 for violating a protection order shall be guilty of a Class I

1 misdemeanor and (b) any person convicted of violating such order
2 who has a prior conviction for violating the same protection order
3 or a protection order granted to the same petitioner shall be
4 guilty of a Class IV felony.

5 (4) If there is any conflict between sections 42-924 to
6 42-926 and any other provision of law, sections 42-924 to 42-926
7 shall govern.

8 Sec. 2. Original section 42-924, Reissue Revised Statutes
9 of Nebraska, is repealed.